



IDAHO DEPARTMENT OF HEALTH & WELFARE

DIRK KEMPTHORNE – Governor
KARL B. KURTZ – Director

BUREAU OF FACILITY STANDARDS
DEBRA RANSOM, R.N., R.H.I.T. – Chief
3232 Elder Street
P.O. Box 83720
Boise, Idaho 83720-0036
PHONE: (208) 334-6626
FAX: (208) 364-1888
E-MAIL: fsb@idhw.state.id.us

INFORMATIONAL LETTER #2005-12

DATE: December 6, 2005

TO: ALL RESIDENTIAL OR ASSISTED LIVING FACILITIES IN IDAHO

FROM: RANDY MAY, Deputy Administrator
Division of Medicaid

SUBJECT: RESIDENTIAL OR ASSISTED LIVING FACILITIES (RALF) RULES
UPDATE

Since my last letter of November 1, there have been a number of things happen with respect to the RALF Rules. I chose to send this to you directly rather than rely on the web-site to communicate. I know there are some of you who don't routinely surf in cyberspace, so I hope you find this helpful.

The draft RALF rules (as modified to incorporate the comments we received from public hearings in early October) went before the Board of Health and Welfare on November 9th. The Board reviewed the updated rules and listened to public testimony. The rules passed the Board on a 5-to-0 vote. The rules will now move forward to be presented in the Legislature when it convenes in January. The rules the Board approved are "frozen" at this point until we get to the Legislature.

There were eight stakeholder groups at the table when we conducted negotiated rule making. Those groups included:

- Idaho Assisted Living Association (IDALA)
- Ashley Manor (the largest RALF chain in Idaho)
- Idaho Health Care Association (IHCA)
- American Association of Retired Persons (AARP)
- Ombudsman for the Elderly

- Developmental Disabilities Council
- Comprehensive Advocacy (CO-AD)
- Department of Health and Welfare

I can report that seven of the eight have agreed to support the rules IDALA has indicated they intend to oppose the rules. They have not shared the specific areas they still have heartburn with

The Department has received a number of requests to help identify the major changes in the rules. There are extensive changes to make the rules align with the statute passed last year—but here are the major changes that will impact your business:

- Monthly nursing assessments will move to quarterly nurse assessments.
- There is amplified guidance in rule on what medical conditions are appropriate for admission and/or retention—that amplified guidance was negotiated with providers.
- There is a requirement for Criminal History Checks for direct patient access employees—funding for those checks will be via a federal grant.
- There is a provision for variances—that is you can ask the Department for an exception to rule in special cases.

I know there are rumors running around the state is portraying the rules as being overly cumbersome and/or overly restrictive. When asked to explain the rules as written, most providers feel they are reasonable.

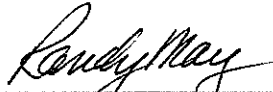
One of you sent me a copy of a document titled ***“Rules Requiring Increase in Documentation”*** alleging there were 44 new documentation requirements in the rule. As I sat down and compared that list to the old and new rules—I found only 28 examples listed with 11 being “new” requirements and 17 that were already required under the existing rules. I have enclosed a spreadsheet that walks through those issues identified. In reviewing that I would ask you to remember that one of our tasks in doing this was to “de-mystify” the rules. As we “de-mystify” and make things clearer—we will no doubt find some things that were required under the old rules that were not apparent to providers. If you have questions or feedback on this—I would appreciate hearing from you.

Finally, I know one of the questions many of you have is ***“if the new rules require even 11 new documentation requirements, what is Medicaid going to do about reimbursing us for the additional work?”*** The answer is simple—if we require more documentation from you—we will adjust our reimbursement rates to cover the additional work load for our Medicaid clients. When we get out of the rules promulgation process, you have my

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commitment to sit down with providers and review the impacts of the rules on your business to make sure we include that in our reimbursement strategies.

I wish you all a Happy Holiday season. If you have questions or concerns, please feel free to contact me at mayr@idhw.state.id.us via e-mail, via phone at 334-5747, or via mail at the address at the top of this letter.



RANDY MAY, DEPUTY ADMINISTRATOR
Division of Medicaid

RM/nm
Enclosure

c: Idaho Assisted Living Association
Idaho Health Care Association

Proposed Rule Documentation Requirements

Rule Section	Requirement	New	Remarks
009	Criminal History and Background Check	Yes	Statute being introduced in 2005 Legislative Session
157	Medication Policies--document medications taken	Yes	In the past you had to document medications refused, missed or not available--new requirement is to document medications taken
221.03	Requirements for Termination of Admission Agreement: Facility Responsibility During Discharge	No	Previous Rule at 16.03.22.250.24 required this.
221.04	Resident's Appeal of Involuntary Discharge	No	Previous Rule at 16 03 22 250 23 required this Additionally, new statute at 39-3313 stated resident shall have the right to appeal a discharge as established by department rule. This is the Department rule
310.04	Psychotropic or Behavior Modifying Medication	No	Previous Rule at 16 03 22 430 Nursing Services required this:
225	Requirements for Behavioral Management--documentation requirements	No	Previous Rule at 16 03 22 250 and at 16.03.22.700.10 required this
310	Requirements for Medication--tracking of storage temperatures for those drug requiring refrigeration	Yes	
350.02	Requirements for Handling Accidents, Incidents, or Complaints	No	Present Rule at 16 03 22 421 and New Statute at 39-3318 require written report from administrator or designee.
350.04	Written Response to Complaint within 30 days	No	Present Rule at 16 03 22 421 and New Statute at 39-3318 require written report from administrator or designee The 30 day timeframe is a new requirement--but does not in and of itself impose a new documentation requirement
410.01	Written Agreement for Relocation	No	Previous Rule at 16.03.22.500.21.b required this
550.12.d	Resident Rights: Control and Receipt of Health Related Services: The right to refuse medical services based on informed decision making.	No	Previous Rule at 16 03 22 420 and 16 03 22 426 and 16.03.22.430 required this
705.08	Resident Business Records: Financial Transaction Documentation	Yes	New Statutory requirement per 39-3316
710.01	Resident Care Records: Resident Demographics	No	Previous Rule required at 16.03.22.422.03
711.01	Ongoing Resident Care Records: Behavior Management Records	No	Previous rule at 16.03.22.700.10 required this
711.03	Ongoing Resident Care Records: Discharge Information	Yes	Previous rule required at 16 03 22 422 03 reason for discharge; new requirement is to document the facility's attempt to resolve issues pre-discharge
711.04	Ongoing Resident Care Records: Refusal of Care Consequences	Yes	
711.08a	Ongoing Resident Care Records: Care and Services Provided	Yes	

Proposed Rule Documentation Requirements

711.08b	Ongoing Resident Care Records: Delegated Nursing Tasks		Previously counted at 157
711.08c	Ongoing Resident Care Records: to Physicians Documentation	Calls No	This is under the Resident Care Records--calls to the Doctor's office to schedule routine appointments do not have to be tracked
711.14	Ongoing Resident Care Records: Discharge Information	No	Previous rule at 16.03.22.422.03 required this
720.02	Adult Hourly Care Records Length of Time Records Kept for Adult Hourly Care	No	Previous Rules required this at 16.03.22.675
725.01	Facility Administrative Records for Admission and Discharge	No	Previous Rule at 16 03 22 422 03 and 422 04 required this
730.01c	Facility Administrative Records for Personnel and Staffing: Liability Insurance	Yes	Required by New Statute at 39-3322
730.01d	Facility Administrative Records for Personnel and Staffing: Nurse Licensing Documentation	No	Previous rule at 16.03.22.430 required this
730.01g	Facility Administrative Records for Personnel and Staffing: Criminal History Check	Yes	
730.01j	Facility Administrative Records for Personnel and Staffing: Administrative Delegation	Yes	
730.02	Facility Administrative Records Work Records	No	Previous Rule at 16 03 22 400 09 required this
730.03	Facility Administrative Records Contract Records	Yes	
750.02	Facility Administrative Records for Fire and Life Safety	No	Previous rule at 16.03.22.500.22 required this